

A regular meeting of the Board of Selectmen was held on June 17, 2010, at 7:00 p.m., in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were:

Sarah E. MacDonald
James A. MacDonald
Carmen DelloIacono
Michael L. Butler
Paul Reynolds

Ms. MacDonald called the meeting to order at 7:00 p.m.

OPEN DISCUSSION

Sam Celeta, 42 Stoughton Road, asked permission to speak to the Board. Ms. MacDonald granted permission. Mr. Celata informed the Board that he had issues with the Dedham/Westwood Water Company relative to a water pipe. Mr. MacDonald asked Mr. Celata if he is receiving water into his home. Mr. Celata responded, yes. Mr. MacDonald offered Mr. Celata his assistance with this matter. Mr. Celata thanked the Board of Selectmen.

RECOGNITION OF EMERGENCY PERSONNEL

The item listed above was postponed and will be re-scheduled for a future meeting of the Board of Selectmen.

PUBLIC HEARING—REQUEST FOR AN ALL-ALCOHOLIC COMMON VICTUALLER'S LICENSE, WICKED RESTAURANT DEDHAM, INC., d/b/a WICKED FIRE KISSED PIZZA, 660 LEGACY PLACE AND APPROVAL OF MANAGER, STEPHEN J. WENZEL

In order to avoid a conflict of interest, Mr. MacDonald recused himself, left the room and did not participate in the hearing and vote due his new position with the Commonwealth of Massachusetts Treasurer's Office, an office which oversees the Alcoholic Beverages Control Commission. Mr. MacDonald did not return to the Francis O'Brien Meeting Room until the hearing concluded.

Representing Wicked Fire Kissed Pizza were: Attorney Peter A. Zahka, 12 School Street, Dedham, Massachusetts and principals of the restaurant Robert Catonia and Zachary Catonia.

Attorney Zahka informed the Board that they were here this evening to request an All Alcoholic Common Victualler's License, Common Victualler's License, Approval of Steven Wenzel Manager, Alteration of premises and Pledge of License to The Community Bank.

Attorney Zahka informed all that this hearing was advertised in the Dedham Times on June 4, 2010 and abutters were notified within 500 feet of the premises. Attorney Zahka went on to say that the premises were part of Legacy Place Lifetime Center and the license requested was a Special Legislation Site Specific License.

Attorney Zahka gave an overview of the establishment—There are 237 seats (163 in the Main Room, 32 in the Patio Area and 42 in the Mezzanine. He went on to say that the total occupancy for the restaurant is 296, which includes standing room and employees. Attorney Zahka informed all that the Building Commissioner has no issues relative to the premises. Additionally, if the Board grants approval of licenses, he will issue a Building Permit tomorrow. Attorney Zahka went on to say that the Wicked Pizza premises are under construction and if the Board grants approval, they will do the build out according to the plans submitted. Once again, he commented that this particular license will be part of the Legacy Place Site Specific Licenses.

Attorney Zahka informed all that this is the 2nd Wicked Fire Kissed Pizza located in Massachusetts. Additionally, Robert Catonia, principal, has been in the hospitality/restaurant business for many years—he has had numerous experiences. Attorney Zahka commented that the restaurant will be casual, family orientated with a comfortable atmosphere. The menu is extensive, i.e., salads, appetizers, full entrees and very unique (organic wheat) pizza. He commented that the prices are in the moderate category and hopefully this will bring in more families to Legacy Place.

Robert Catonia gave a breakdown relative to food/alcohol served at the restaurant—he informed all that the ratio is 75% food and 25% alcohol. Mr. Catania went on to say that the hours of operation at the restaurant will be 11:30 a.m. until 12:30 p.m. weekly.

Mr. Catonia assured the Board that he takes alcohol service very seriously and that employees violating Liquor Laws will not be tolerated and this will be grounds for termination. The staff will be trained and certified. Additionally, Zachary Catonia, is presently in the process of being trained to instruct Alcohol Training Programs to their staff.

Mr. Catonia informed all that he plans to hire 80 employees at Wicked Fire Kissed Pizza. If possible, he will attempt to hire local people. Mr. Catonia went on to say that the proposed opening for the restaurant will be mid or late September, 2010.

Relative to the Manager of Record, Attorney Zahka informed the Board that Steven Wenzel, proposed manager, has the requisite experience for the position; however, he will not be the manager when the restaurant opens to the public—His approval, at this time, is necessary in order to move the license process forward so that they can obtain a Building Permit to build out the premises. Attorney Zahka informed the Board that Zachary Catonia will apply for Manager of Record of this establishment when the restaurant is ready to open for business.

Attorney Zahka stated that there is a pledge to the Community Bank—license, stock and assets. Additionally, Legacy Place has a financial interest direct/indirect in the Liquor License, i.e., lease percentage in rent.

Attorney Zahka commented that Liquor License granted to Wicked Fire Kissed Pizza is for the public good and need and is a component of Legacy Place. The type of food that will be offered is not currently available at Legacy Place. This particular license is included as one of the Special Legislative On-Site Licenses.

Mr. DelloIacono asked if Wicked Fire Kissed Pizza will be a family restaurant and if kids would be welcomed after 9:00 p.m. Robert Catonia stated, yes. He added—there will be a separate dining area away from the bar area. The bar will be located at the front of the restaurant.

Mr. DelloIacono asked if the staff is Alcohol Trained Certified—Robert Catonia stated that all of his staff will be Alcohol Trained Certified. Additionally, the servers will card at the tables. Mr. DelloIacono asked if there will be music at the restaurant. Robert Catonia responded that he was not sure yet.

Mr. Butler asked Robert Catonia the number of Liquor Licenses he owns. Mr. Catonia responded that he has one other Liquor License located in Mashpee, Massachusetts. Mr. Butler noted minors listed on the financial pages. Attorney Zahka informed him that they are listed beneficiaries.

Mr. Butler asked Attorney Zahka to explain the Pledge of License. Attorney Zahka informed all that significant money was loaned to his clients and that the pledge secured the loan--the pledge is subject to the rules and regulations of the license. Attorney Zahka informed Mr. Butler that this is a SBA Loan and it requires a pledge. Attorney Zahka went on to say that the lease provides that there will be no pledges and cannot be assigned.

Mr. Butler asked Robert Catonia if he had any previous liquor violations. Robert responded, no. Mr. Butler asked if there was a CORI for Mr. Wenzel. Nancy Baker, Asst. Town Administrator, responded that she will do a CORI on the next applicant, Zachary Catonia, when the restaurant is ready to open. Mr. Butler asked Robert if he will abide by the rules and regulations. Robert Catonia responded that he has worked in larger family-owned businesses, multiply locations with more employees (Daniel Webster Inn and Cape Codder). Robert Catonia stated that he is very strict and will follow the laws. Additionally, his insurance requires that the staff be trained in serve-safe. Mr. Butler asked why the Catonias chose to place wicked in his establishment's name. Robert Catonia responded that they wanted to name the restaurant something casual, as in "wicked good".

Mr. Reynolds asked the Catonias when they opened their first Wicked Fire Kissed Pizza. Robert Catonia responded-- February, 2009, in Mashpee, Massachusetts. Mr. Catonia went on to say that he had the concept for the restaurants for many years—simple food

done right. He commented that he was very fortunate that he could meet the right price point and offer good quality entrees with pizza.

Robert Catonia informed all that his family has been in the restaurant business for forty-five years. Mr. Reynolds acknowledged that Robert Catonia had much experience; however, he thought there might be some challenges. Mr. Catonia commented that he will be prepared and will set a high priority not to have ABCC issues—He commented that violations would be too damaging financially. Zachary Catonia added—plus their name.

Mr. Reynolds commented that Legacy Place has multiple establishments and it is a different scenario—he was concerned with barhopping. Zachary informed the Board that he has experience working as a bartender in Kenmore Square. Additionally, he will bring in extra staff to spot and make sure customers are safe.

Robert Catonia stated that he will hire experienced managers and everyone will be seated. In addition to the managers, the hostesses, servers and bartenders will all keep their eyes on the patrons. Mr Reynolds wanted to assure the public that the Board only grants Liquor Licenses to people who are prepared to handle the situation.

Attorney Zahka informed all that Legacy is coordinating plans with the Dedham Police Department Liquor Officer. They are setting up a system where by establishments notify other establishment within Legacy if customers are leaving and have been shut off.

Mr. Reynolds congratulated the Catonias. He wished them well in their endeavor.

Ms. MacDonald asked the audience if they had any questions before the hearing was closed. Sam Celata, 42 Stoughton Road, asked the Board if there were any objections from the residents of Robinwood Road area. Ms. MacDonald informed him that the Board did not receive any objections from the residents in the Robinwood Road area. Attorney Zahka added that there were some Robinwood Road residents on the Abutters' List. Mr. Celata asked the Board if this license would affect home prices and wished homeowners could apply for abatements. Mr. DelloIacono reminded him that this was a Liquor Hearing. Mr. DelloIacono asked Mr. Celata to speak with the Board of Assessors relative to abatements. Ms. MacDonald will follow up with Mr. Celata's inquiry.

Mr. Butler made a motion to close the Public Hearing; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. DelloIacono made a motion to approve the All Alcoholic Common Victualler's License to Wicked Restaurant Dedham, Inc., d/b/a Wicked Fire Kissed Pizza, 660 Legacy Place, Dedham, Massachusetts, with the condition relative to Ch. 208 Acts of f2006, Sec. 6--\$5,000 to Economic Development Fund; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. DelloIacono made a motion to approve Stephen J. Wenzel as Manager of Record, Wicked Fire Kissed Pizza; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. DelloIacono made a motion to approve alterations of the licensed premises at 660 Legacy Place, Dedham, Massachusetts; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. DelloIacono made a motion to approve a Pledge of License inventory and other assets to The Community Bank; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

**CONTINUATION OF VIOLATION HEARING RE: DEDHAM POST #18
AMERICAN LEGION, 155 EASTERN AVENUE**

Present were: Larry Rooney, Manager and Sgt. Michael Buckley, Dedham Police Dept., Alcohol Officer

Mr. Butler informed all that Sgt. Buckley clarified the Police Report, as requested. Ms. MacDonald asked Mr. Rooney if he had anything to add. Mr. Rooney commented that he was sorry to take up the Board of Selectmen's time. Ms. MacDonald asked if he felt he had a fair hearing and his response was, yes.

Mr. Butler made a motion to close the Public Hearing; seconded by Mr. DelloIacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. Butler made a motion to find that the licensee did violate Sections 15, 19 and 22 of the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham as the result of an altercation at the licensed premises in the early morning hours of March 21, 2010, specifically at or about 1:13 a.m.; seconded by Mr. DelloIacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald was not present for the hearing and did not vote.)

Mr. Butler made a motion to issue a suspension for three (3) days; beginning Saturday, June 26, 2010; Sunday, June 27, 2010, and Monday, June 28, 2010. Said suspension to be served only in the area known as the Members Lounge; seconded by Mr. DelloIacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; and Ms. MacDonald, yes. (Mr. MacDonald present for the hearing and did not vote.)

At the conclusion of the hearing, Mr. DelloIacono asked that the American Legion come back to the Board of Selectmen in three months to show the changes they have at the

instituted at the club. Mr. Butler asked that the leadership of the club be present at the follow up meeting in order to show the Board that they are serious and involved in making the necessary improvements at the club.

**INTRODUCTION OF NEWLY APPOINTED COUNCIL ON AGING
DIRECTOR, LAURA LEVENTHAL AND ASSISTANT DIRECTOR OF
FINANCE, WILLIAM RALPH**

William Keegan, Town Administrator, introduced the newly appointed Management Staff. Mr. Keegan gave all an overview of the experience and education of both employees.

Laura Leventhal, COA Director, commented that she is very excited to come to the Town of Dedham and that she is learning more and more about the community each day. Mr. Keegan informed all that Ms. Leventhal's start date is July 6, 2010.

William Ralph, Assistant Finance Director, commented that he grew up in the Town of Dedham and has recently moved back to Town from Wisconsin. Mr. Ralph went on to say that he has started off on a good foot with the assistance of Mariellen Murphy, Robin Reyes and Bill Keegan—he is very excited to be a part of the staff.

Vote Approval of William Ralph, Assistant Finance Director

Mr. DelloIacono made a motion to concur with the Administrator's appointment of William Ralph as Assistant Finance Director; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Mr. MacDonald made a motion to concur with the Treasurer-Collector's appointment of William Ralph as Assistant Collector; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

The Board of Selectmen welcomed Laura and William.

TOWN ADMINISTRATOR'S CONTRACT/DISCUSSION

Mr. Butler made a motion to endorse the amended Town Administrator's Contract; seconded by Mr. MacDonald. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, no; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Relative to William G. Keegan's Town Administrator's Contract, the Board chose a sub-committee consisting of Selectman Sarah MacDonald and Selectman James MacDonald. They will both meet with Mr. Keegan over the next few weeks to discuss his new contract.

EFFECTIVE GOVERNMENT TASK FORCE DISCUSSION

Present: David Martin, Chairman, Finance Committee

Ms. MacDonald started the discussion with the recommendation that there be a five-member Task Force. Her hope was that this group could accomplish much during regular meetings. She recommended that the Task Force be small and that they invite Department Heads, Staff, etc., to discuss best practices. Mr. Martin endorsed Ms. MacDonald's recommendations and thought that the size of the group was correct. Mr. Martin discussed combining School Department and Town Departments' functions and also helping Boards and Committees start doing these things. Mr. MacDonald explained that the Task Force will report back to the Board of Selectmen. Mr. MacDonald also asked that there be two (2) members at large on the Task Force. Mr. Butler would like to hear back from the Task Force early on—he thought interesting to see how far the group can go. Mr. Reynolds thought this was a terrific idea and, going forward, he did not want to see people stop looking at best practices.

Mr. MacDonald suggested that the Board take a vote to form the Effective Government Task Force this evening.

Mr. MacDonald made a motion that the Board of Selectmen form the Effective Government Task Force; seconded by Mr. DelloIacono. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Mr. Martin asked that the Town's Financial Policies be reviewed. Ms. MacDonald informed all that Mr. Butler will be pulling together the committees—the Board will speak on this matter further at their meeting in July.

GRANT OF EASEMENTS & UTILITIES RE: APPLETON LANE/APPLETON LANE EXTENSION

Present: Attorney Peter A. Zahka, 12 School Street, Dedham, Massachusetts

Attorney Zahka informed all that there is a subdivision on Appleton Lane adjacent to the Boch Ice Center and the developer would like to extend the Sewer Line for two houses. Attorney Zahka went on to say that Appleton Lane is a Private Way and pursuant to statute, his client has a right to installation of utilities. Attorney Zahka informed the Board that there is already a Sewer Line in place on Appleton Lane—it was installed in the late 1960's. His client would like to extend the Sewer Line from that point to the two sub-division houses. Attorney Zahka has obtained signed easements from two (2) houses on East Street, two (2) houses on Appleton Lane and two (2) houses in the sub-division.

Mr. MacDonald made a motion to grant an easement on Appleton Lane for utilities; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Mr. MacDonald made a motion to extend the Sewer Line on Appleton Lane to the two (2) houses on the sub-division extension; seconded by Mr. Butler. **On the Vote:** Mr. Reynolds, yes; Mr. Butler, yes; Mr. DelloIacono, yes; Mr. MacDonald, yes; and Ms. MacDonald, yes.

Town Administrator's Report

William Keegan, Town Administrator, informed all that he attended the Newbridge on the Charles Dedication along with Governor Patrick, Selectman Sarah MacDonald, Representative McMurtry and Representative Rush. He commented that it was very nice event and well attended—a full house. Mr. Keegan congratulated Hebrew Senior Life.

Action by the Board

Request from Lincoln Street residents for a Block Party on September 11, 2010

Mr. MacDonald made a motion to approve the Lincoln Street Block Party on September 11, 2010; seconded by Mr. Butler and voted unanimously.

Approval of Selectmen's Meeting Minutes – January 21, 2010

Mr. MacDonald made a motion to approve the Selectmen's Meeting Minutes of January 21, 2010; seconded by Mr. Butler and voted unanimously.

OLD/NEW BUSINESS

Mr. Butler thanked the Civic Pride Committee for the fine work that they do around the Town—he commented that would like to recognize the group and appreciates what they do.

Mr. Butler informed all that he visited Macomber Terrace—Mr. Keegan commented that he will follow up and also Joe Flanagan, DPW Director, will follow up with him.

Relative to the Recycling Program, Mr. Butler asked Mr. Keegan to provide him with the percentage statistics by route.

Mr. MacDonald congratulated the Parks & Recreation Department for a successful Flag Day Parade. He commented that it was a beautiful night, there was lots of kids and much candy.

Mr. MacDonald announced that tomorrow night, June 18th, there will be a Summer Sizzler Fundraiser for Cancer held at the Dedham Health and Athletic Club—it begins at 7:00 p.m. in the rear of the facility.

Mr. MacDonald asked for a follow-up relative to the Ames Street Bridge--He asked Mr. Keegan for an update. Mr. Keegan informed the Board that the Finance Committee approved the transfer of \$50,000 for a temporary solution relative to Ames Bridge work at their meeting last night.

Mr. Reynolds informed all that the Oakdale Alliance meets the first Wednesday of every month—the meeting is held at the Church of the Good Shepherd, Oakdale Square. Mr. Reynolds gave special thanks to Holly Armstrong and children for participating in the Flag Day Parade on the Oakdale Float.

Mr. Reynolds informed all that the first Farmers' Market this season will commence this Wednesday from 12 Noon until 6:00 p.m. The market will be in Dedham Square each Wednesday through the summer and conclude in the fall.

Mr. DelloIacono reminded all that Dedham's Dancing with the Stars will be coming soon. Additionally, he asked that God be with Stephen Moakley who will be going over to serve our country in Afghanistan.

Mr. DelloIacono requested that the owners of Rick's Pub come before the Board at an upcoming meeting for a discussion relative to their licenses—he asked that they be placed on the next agenda, if possible.

Mr. DelloIacono asked Mr. Keegan the Town's cost relative to the James Joyce Ramble. Mr. Keegan replied that he will get the figures from Joe Flanagan, DPW Director.

Mr. DelloIacono asked that a proclamation be prepared for Sean Neely in appreciation of his donation to the Dedham Historic Society.

Ms. MacDonald thanked everyone involved with the Flag Day Parade. She especially thanked the Dedham Women's Club for the Flag Day Ceremony prior to the parade. Ms. MacDonald thanked Congressman Lynch and Representative Rush for their participation. Ms. MacDonald announced that there will be a Selectmen's Meeting on July 8, 2010, and then on August 5, 2010. Ms. MacDonald wished a Happy Father's Day to all.

The meeting adjourned at 8:40 p.m.

This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting held on June 17, 2010, which Minutes were approved on January 20, 2011.

Sarah E. MacDonald, Chairman